

# Leibniz on the Allegiance due to a *de facto* Power

Lorenzo Peña & Txetxu Ausín

---

in *Leibniz und Europa. VI. Internationaler Leibniz-Kongreß*

Vorträge. 1. Teil, pp. 169-176

Hanover: Gottfried-Wilhelm-Leibniz-Gesellschaft, 1994

ISBN 3-9800978-7-0

---

The present paper tries to offer a coherent interpretation of Leibniz's views on whether particular citizens ought to pledge allegiance to established powers regardless of their legitimacy. We are going to focus on Leibniz's letter to Thomas Burnett of Kemeny (*Allgemeiner politischer und historischer Briefwechsel*, A: 1, 11, 519-22). (An excellent translation is provided in Leibniz's *Political Writings*, ed. by Patrick Riley, 2d edition, Cambridge U.P., 1988, pp. 199 ff., with an extremely enlightening commentary.) The letter is a review of W. Sherlock's *The Case of Allegiance due to Sovereign Powers*, 1691.

Leibniz seems to be aware of a painful clash between two ideas dear to him in political philosophy. One is that the law cannot be overridden by matters of fact, or that a rightful entitlement has to be clung to at whatever cost, even if the struggle is bound to be unsuccessful, since God has willed that we always strive for the good and for the best, as we conceive it, even if He alone knows what is, all in all, the best, which may fail to be the best in particulars (see *Confessio Philosophi* [17v]: *Deum ergo amantis est boni consulere praeterita, optima reddere conari futura*). Our efforts to bring about the best as we view it are conducive — in ways which are not always clear to us — to the resulting general good of the creation. Thus we are bound not to yield to adverse circumstances or to bow before force. If we are defeated in our attempts, that certainly shows that God has willed our failure, but not that He has not willed our endeavour. Nor does it show that we must henceforth refrain from identical efforts.

However, since what is all in all best is what actually happens, if a course of action fails, that shows that its success would not have been the best as such. A victory of an evil or illegitimate cause is often the best possible outcome for the whole of creation, even if it is not the best possible outcome in particulars, i.e. for such people as are directly involved in it. Recognizing that what happens is what is implied by the notion of the best possible world God has chosen, we must reconcile ourselves to the real course of events. An obdurate resistance would mean noncompliance with the order God has chosen as the best one.

Such metaphysical assumptions are not free from serious difficulties which have been canvassed by a number of scholars. If in each case the real outcome is all in all the best one, in which sense can it be said that such an outcome is not the best one in itself or for itself but only as regards the world as a whole? Would it be better should it contribute less to the general good of creation? Or — in a more specially moral area — would an evil person be better should he fail to forward the common good, through his actions, as much as he does?

The same antithetical tendencies — to all of which he is committed in virtue of his fundamental philosophical ideas — draw Leibniz in opposite directions as regards the duty of obedience or allegiance towards sovereigns. On the one hand, Leibniz has his own reasons strongly to maintain the venerable claim that all power comes from God and therefore must be obeyed. (His theodicy provides such special grounds. A different power would be one which, as God knows beforehand, would contribute less to the general good of creation.) On the other hand, the Leibnizian *fatum* is clearly distinct from the Stoic *fatum*: the general good of creation does not necessarily coincide with the particular good of a whole realm of entities or even persons — let

alone with that of this or that single creature; but since we lack the divine insight or wisdom, we are bound to act in accordance with the expected good as we can make it out, which in fact broadly means aiming at whatever is morally best for us — securing the *bonum honestum* even at the cost of the *bonum utile*. The former tendency leads Leibniz to advocating compliance with any established power. The latter one has him preach resistance to usurpers.

Leibniz cannot reconcile himself entirely to either solution. In virtue of his strong antiHobbesian (and antiSpinozian) leanings he adheres to a natural-law view of political institutions, which are founded on a divine ordinance aiming at the common good. The sovereign has to be a legitimate ruler, which means that he is subject to natural law and that he has to have gained command by sound and fair means. When the latter condition does not apply (foul means having been resorted to) or when the former one is very very seriously broken, the king is or becomes a merely *de facto* ruler, his subjects having the right — nay, the duty, at least in some cases — of resistance to his unjust rule. Nevertheless, Leibniz is also committed to acceptance of whatever power is in force due to his metaphysical views and, more in particular, to the fact that, the ruling monarch being the one and only whose mounting the throne at that particular juncture is part and parcel of God's best plan, to withstand his commandments entails opposing God's best plan's implementation. It is not just personal easiness or solace what leads one to nonresistance to usurpers but awareness of the fact that this world is the best possible one.

As in all other areas of his philosophical enterprise, Leibniz tries to build a bridge between his opposite tendencies here. The Creator would have been harsh had He failed to provide a means for us to eschew an excruciating moral dilemma. In this matter as in so many others Leibniz falls back on conceptualizations which had been powerfully developed by the late Scholastics, specially by the Spanish Jesuits — even though his philosophical thought is in main issues miles away from the Jesuitic school. Jesuitic casuistry had been discredited by Pascal in his *Lettres d'un provincial*, but Leibniz's tenderness towards the ways of the world as they are — willed by God with a consequent will owing to their entering the best order of things — make him prone to Jesuitic accommodations with reality, as against the puritanical intransigence evinced by Dominicans, for instance. Such was his stance concerning the dispute over the so-called Chinese rites. And such is also the case as regards allegiance to a *de facto* power.

Instead of a universal maxim which would have to be hung on to happen what may, Leibniz is going to suggest an open-minded, supple guideline, taking into account — among other things — to what extent the usurper has been already entrenched. While the struggle goes on, there is no definite or conclusive evidence to the effect that God has chosen the usurper rather than his rival (or that He has «allowed» the former to prevail for the sake of the general good). For the legitimate claimant to lose one battle, or two battles, or a hundred battles is no final proof that he is, and is going to remain, the victor. He may redress his fortunes yet. Thus the subjects are bound to keep loyal to the rightful claimant, not to the usurper. Or, if and when they are compelled by force to submit to the usurper, or even to give him succor, they must remain prepared to change their attitude as soon as possible, readily assisting the legitimate claimant the very moment the latter begins to gain his long overdue authority, or to challenge the usurper's government.

Such guidelines may seem reasonable enough, but vague they undoubtedly are. Suppose the usurper has won a lot of battles, his troops occupying the whole disputed territory, but the legitimate pretender counts upon very many followers both at home and abroad and is supported by some foreign powers. Now, is it clear in such a situation that God has willed the usurper to prevail? Not quite. His authority can still be overcome. Whether or not the legitimate claimant's supporters are acting either wisely or even morally well is not to the point. Be it as it may, the

fact is that there are many of them, that they are arming themselves or at least eager to renew the struggle, and that the legitimate claimant is entitled to hope for some degree of effective support from abroad, too. In such circumstances, a too ready acceptance of the usurper's *de facto* authority may be not only foolhardy — exposing the subject to reprisals in case the legitimate pretender's followers gain control in the end — but even wrong, since to help an evil-doer to sin beyond the absolutely unavoidable degree is also to share in his sin.

What if the legitimate claimant's followers are fewer but nevertheless still constitute a real force, while foreign support for him wanes but does not vanish altogether? Is it in such a case certain, really certain, that God has shown his will in the war's outcome? How many wars seemed to have ended some way or the other, only to pass through unforeseen somersaults leading in the end to an unpredictable outcome! What is more, distinguishing between two wars is to a large extent a matter of convention. The difference between a truce and a peace-treaty is relative. We all know how arbitrary it is to say whether there was one single war which was the one-hundred-years war or whether it was a succession of separate wars. We are as entitled to say that Louis XIV's whole reign was a continuous war as to say that the short periods during which no battles were being fought were periods of peace. In most cases, even when the *status belli* had not been formally declared, the *Roi Soleil* was none the less waging an effective war against his neighbours. (On this and many other points referred to in this paper, see *Louis XIV: L'envers du soleil* by Michel de Grèce, Paris: Olivier Orban, 1979.) So, even an international treaty recognizing an usurper's power can be looked upon as a mere armistice giving him a respite, a lull in warfare and nothing else. Any particular subject can, by his own experience, be aware that such a risk exists, and that the rightful claimant can still enter the scene to take hold of what is his.

Leibniz seems unwilling to elaborate on such detailed issues. Although his approach clearly favours a casuistic middle course as between a rigoristic unswerving loyalty to the rightful candidate and hasty or unconsidered allegiance to the usurper (*à la légère*), he probably finds it distasteful to go into particulars. But his approach seems to be a gradualistic one. It all depends (*cæteris paribus*, doubtless) on each of the contenders' strength. It also hinges upon the degree of their legitimacy or illegitimacy, and on their good or bad performance, since in cases such as matters of rightful ownership utility and public-welfare considerations are to the point. Since all such issues are matters of degree, Leibniz's principle of continuity seems to entail that allegiance is also bound to come in degrees. Each subject has to apportion his allegiance in accordance with a number of factors, among which are all those we have just mentioned. (But see four paragraphs below with some important qualifications.)

A possible consequence thereof would be that no allegiance to human powers is to be thoroughly steadfast or complete, and perhaps that no rejection of power-contestants has to be absolutely uncompromising or utterly unqualified either. It is hard to imagine a pretender entirely lacking even the shadow of an entitlement. It is impossible to be certain that a pretender will never be able to seize power. Human affairs in general and political affairs in particular lie outside the province of certainty. Thus the humble subjects can always think that, even though for the time being one of the contenders has had *gain de cause*, God alone knows whether in the end he will be victorious or not.

There are several additional reasons leading Leibniz to counsel allegiance to *de facto* sovereigns. One of them is that in things royal, it is not up to the subjects or particular citizens to decide, nor is there any authority over and above that of the sundry state-holders. Leibniz admits some sort of minimal overlordship of the Holy Roman Emperor over the whole of Christianity, or in some matters that of the Pope. But he does not endorse a full-fledged *suzeraineté* on their

part bearing on the states' dominion. Nor does he admit any other international order-enforcing authority. Should he accept any such device, equal problems would arise in case a contest for power eventuated over the overlord's capacity. But that is outside the point, since as things stand Leibniz is confident no such universal sovereignty exists or is likely to be established — which is perhaps all to the good, after all. Unlike matters of disputed ownership among particular citizens, there is accordingly no court to settle political disputes. This is why — Leibniz proceeds to remark — foreign powers usually endorse whatever regime has been able to firmly secure effective power, whether based on solid lawful claims or not. It is only God who can judge human sovereigns, thereby sentencing the usurper to the punishment and retribution he deserves.

A further reason derives from a somehow pragmatic view of political power. He who wields power and he over whom such a power is exercised are bound by a quasi-covenant or quasi-contract, an implicit or tacit deal attending matters of fact to a far higher extent than matters of right — they are *actiones in factum* rather than *in ius*. All power comes from God in so much as its coming into office is included in God's whole plan for the creation. But that on its own is no sufficient justification for political power. What justifies the authority of some people over other people is, beyond matters of legitimacy of acquisition — which in the end always trigger an infinite regress (that of going back to the ultimate source of entitlements)—, its serving a useful purpose, namely that of making possible for people to live together with mutual benefit. Since such is the ground justifying political power, any other consideration has to become ancillary to political expediency. It follows that nobody is entitled to disturb or upset the established situation for the sake of *rerum nouarum* — whatever their fancied embellishments — or, more to the point, in order to gratify a legitimate ambition.

In this connection it is worth considering Leibniz's views on how a protracted possession of a property (*usucaptio*) relinquished by its former owner entitles the possessor to legal ownership. An argument supporting the entitlement — which is recognized in Roman law under some circumstances — had been put forward by Prof. Johan Werlow (or Werlhof), which gave rise to an exchange between him and Leibniz on the subject (see A: 1, 12, N. 474; 1, 13, NN. 134-135, pp. 207ff.) According to Werlow *debent res humanae habere exitum*; there must be a favourable presumption towards the *de facto* possessor, since it is the most convenient course for the community; for nobody is to be deemed guilty of wrong-doing or law-breaking unless and until the opposite is proved. Werlow argues that for those reasons the assumption is no fiction. Leibniz grants that, to be sure, no proof can go on *ad infinitum* and so no ownership claim can be established in a conclusive way; that long-lasting relinquishment of property may often be a ground for forfeiture of entitlement; and yet he contends that even upon such a background public expediency or favourable assumptions are not enough for a case to be juridically correct in a strict sense, but only in a very loose sense wherein fiction plays a role. Those are matters of **as if**. We cannot say that protracted abandonment of property constitutes a proof of a will to forsake it, since no non-arbitrary prescription term can be settled. (Again those are matters of degree.)

Thus Leibniz seems here to draw a hard line between juridical entitlement and some slack practical entitlement which the law allows for expediency sake. Yet he proceeds to point out that *in rebus magni periculi, ut cum de salute publica agitur*, such hard lines do not apply. Consequently, when the ownership contest concerns a state's fate, no rigid and final demarcation line can be drawn between matters of fact (public expediency) and matters of right (legitimate entitlement).

Not only that. Leibniz in effect goes on to acquiesce in Werlow's main assertion, arguing that, even when neither rightful entitlements alone nor factual matters (favourable presumptions) on their own suffice to substantiate a case, the conjunction of both can be a sufficient ground for

the judge to adjudicate a property. Let us quote his own words:

Jurisconsulti autem est regulas tradere quibus judex adjuvari queat in judicando, et cuique rei suum pondus assignare ... videtur mihi argumenta probandae alienationis infirma, argumenta autem favoris in possidente vel oddi (si mavis) in adversario valida esse solere; et cum pronuntiabit judex pro possessore, plerumque causis favoris a te meque expositis, raro alienationis argumentis commoveri debere: in universum autem prescriptionis temporalis regulam jure naturae non esse constituendam, sed rem judicis religioni praescriptis rationibus coercitae relinquendam.

That is to say: those are matters of jurisprudence. In the case of dynastic disputes Leibniz's argument would amount to claiming that legitimacy reasons remain untouched, no general principle being averred to the effect that a *de facto* ruler ought to be recognized as a lawful stateholder once a certain stretch of time has elapsed since he seized power; yet public convenience has to be given its weight, too, a careful balance of reason thus being called for. (But have the subjects the right to ponder those reasons themselves and act accordingly, giving or withstanding their obedience to whoever happens to rule over them? In principle Leibniz seems to think they haven't. Yet in the course of the Spanish succession war — see below — his propaganda effort in behalf of Archduke Charles, addressed as it was to the Spanish people, can hardly be understood without some evolution in his thought on that issue.)

And yet all that is a matter of degree, again. Since we turn out to be in the dark as to who in the end will be victorious, as to whether what for the time being seems to be a reliably entrenched regime will endure or not; since, moreover, there are so many different degrees of a government's activity or existence being conducive to a smooth partnership among the members of the community over which it rules; since not all disputes over legitimacy are on a par — in some of them the rightful entitlement is much more clearly on the part of one of the contenders than is the case in other similar disputes —, Leibniz's advice is — even if not quite clearly — one of measuring, gauging, scaling and behaving with restraint, caution and moderation. According to him these are not all-or-nothing matters.

No political struggle has attracted Leibniz's concern as much as the war of the Spanish succession (1701-1714) also known (in the UK) as Queen Anne's war. Leibniz devoted a long series of pamphlets to advocating Archduke Charles's candidature to the Spanish throne: *La justice encouragée: contre les chicanes et menaces d'un partisan des Bourbons*, 1701, ap. *Oeuvres*, ed. by L.A. Foucher de Careil, III, Paris: Firmin Didot, 1861; reprinted by Olms Verlag, Hildesheim, 1969; pp. 308-314; *Dialogue entre un Cardinal et l'Amirante de Castille*, 1702, *ibid.*, pp. 315-59; *Manifeste pour la Défense des Droits de Charles III, Roi d'Espagne*, 1703: *ibid.*, pp. 360-431; *Projet d'une préface fait immédiatement après l'élection de l'Empereur Charles VI pour servir à une nouvelle édition de la défense de ses droits sur la monarchie d'Espagne, traduite en castillan avec une préface*, 1711, *ibid.*, pp. 368-76; *La paix d'Utrecht inexcusable*, dec. 1713, *op. cit.*, tome IV, pp. 1-140.

Let us briefly remind the essentials of the affair (see *Bourbon Spain 1700-1808* by John Lynch, Blackwell, 1989). King Charles II of Spain died childless in 1700. The successoral order to the crown was not very clearly established in Spanish law. In fact Spain still remained, to a large extent, a mere juxtaposition or conglomerate of different and separate states whose only link stemmed from the matrimonial union of their respective sovereigns — what is called a «personal union», as that between England and Scotland under the Stuarts or, in more recent times, that of the Austro-Hungarian monarchy. Each state had its own successoral order. Anyway no undisputed presumptive heir could be found. Therefore two main powers put forward their respective candidates. King Louis XIV had married a half-sister of the Spanish King — Maria Teresa, daughter of the late Spanish king Philip IV. The wedding had been agreed upon through the Pyrenees' Treaty (1659), which had ended a very long war between France and Spain — in fact the so-called

30-years war, which in this case did not finish in 1648 but eleven years later. The treaty stipulated that Princess Maria Teresa gave up both for herself and her posterity, male as well as female, any claim to the Spanish throne. Therefore, if the treaty was valid, French princes were excluded from the Spanish succession. On the other hand, a long series of matrimonial links blended the two branches of the Habsburg dynasty, the Spanish one and the Austrian one. Accordingly, the Emperor advanced the Archduke Charles's candidature.

Louis XIV signed several treaties of partition (so-called) according to which the Spanish monarchy would be divided, his grandson Philip, duke of Anjou, receiving a small part thereof, whereas Archduke Charles would be acknowledged as king of Spain. Austria did not sign the treaties, which were endorsed by the maritime powers, England and Holland. At the same time, Louis XIV secretly tried to secure the whole of the Spanish monarchy for his grandson. On his death-bed king Charles II bequeathed Spain on the French duke. He is said to have been prevailed upon by a powerful clique paid by the French court. (Louis XIV had also pushed his intrigues in Rome in order to have the Pope support his pretender. On all that, see Michel de Grèce, *op.cit.*, pp. 465ff.) There were numerous irregularities about king Charles's will, which was not established and authenticated in accordance with the received procedures.

So, the duke of Anjou went to Madrid and was proclaimed king of Spain as Philip V. A coalition was formed by Austria — and most German principalities —, the Netherlands, Portugal and England supporting the Archduke's claim to the Spanish throne. In 1705 the Allies occupied Barcelona, thanks to a popular revolt against the Bourbon monarch. All through the war, the Catalanian people massively supported the Austrian candidate, and to a lesser extent as much was true of the peoples of the other Spanish kingdoms which had belonged to the Aragonian crown — Valencia, Mallorca, Aragon proper. Meanwhile the Castilian people remained staunchly loyal to the duke of Anjou. So, the war was a civil war. (See Lynch, *op. cit.*, pp. 38 ff.)

The situation of those as yet nominally independent states was quite different. Castile had become a practically absolute monarchy. No parliament or Cortes had been convened for decades on end, and the king could impose whatever taxes he pleased. The oriental kingdoms were constitutional monarchies, wherein the royal powers were severely curbed. Billeting and taxation were strictly limited in scope; representative parliaments and other institutions existed, mostly controlled by the highborn and the wealthy, but not without some popular representation, too. In many cases, the low classes in the oriental kingdoms enthusiastically supported the Austrian candidature, thereby compelling the Archduke — or Charles III of Spain as he was recognized by the Pope and by the great majority of European courts — to reluctantly favour a moderate social reform.

The war was fought not just with weapons but also with countless pamphlets. Among those who drafted those leaflets we find Leibniz, no less. Not just one brochure, but, as we have seen, very many. All of them written with a deep conviction, displaying a wide range of arguments, always courteous when considering the adversary's allegations and nevertheless uncompromising in his line of reasoning.

Leibniz puts forward a principal argument concerning legitimacy and a number of arguments about political expediency.

As for legitimacy, he argues that the treaty of the Pyrenees is a fundamental law, which, should there arise any conflict with other successorial laws, would override them. Otherwise international treaties ending terrible wars would lose their value, were it possible to reverse them on the strength of any legal document nobody had thought of at the time of the signature or even for centuries. Moreover, Maria Teresa's renunciation could not be invalidated by Spain's having failed to pay her dowry, since there was no proportion. Nor was it true that the only ground for

her renunciation was that of preventing the union of the Spanish and French crowns, as could be ascertained in many ways: the treaty itself stated that the purpose was to guarantee and maintain the equality between both monarchies, which could only be explained as prohibiting a French succession in Spain due to the Spanish dynasty being ruled out from the French succession by the Salique law. An additional objection to such a construal of the Treaty is offered by Leibniz in these terms: for a clause in a covenant or a will to be worded as taken or agreed upon on account of some [purported] fact does not render the clause conditional; the would-be fact is not a proviso; accordingly, should it be attested that the purported fact actually is no fact at all, the clause would remain in operation all the same. Thus, whatever the goal of those who drafted the Treaty, what was signed has the force of law regardless of whether it serves that purpose or not. Furthermore, were it the case that the only goal was to forestall such a union, why was female offspring and posterity excluded? (What is more, with a Bourbon king in Madrid no warranty could be provided thwarting a future reunion of both crowns.) Last, the late king Charles's testament was null and void. For one thing, kings cannot bequeath their kingdoms. For another, the will had not been established in accordance with custom and law.

As for political expediency, Leibniz argues that the Bourbon accession will bring about a loss of liberties, will make the whole of Spain into a despotic or absolute monarchy like that of France, taxing the Spanish people heavily, annulling representative bodies and pressing centralization. (On each of those points Leibniz's forecast was proven accurate.) Later on, linking the Spanish issue with the English succession — Queen Anne and the Tories favouring a conciliation with the French and acceptance of Philip as king of Spain, which finally happened through the treaty of Utrecht in 1713 (see *Queen Anne* by Edward Gredd, Routledge, 1980)—, Leibniz argues that the Bourbons's strengthening could lead to a Jacobite restoration in Britain with the loss of *habeas corpus* and political freedom gained through the revolution against James II. In his view all those matters were closely connected. The danger was French supremacy imposing upon Europe a kind of absolute monarchy where the sovereign could do as he pleased, and moreover all monarchs would become the vassals, in fact if not in name, of the French overlord. (Admittedly he also thought that a little absolutism on the part of those sovereigns who countered such designs was welcome, as a bad means conducive to a good end.) He also put forward a lot of different, separate arguments addressed to the Spanish people. The Bourbons having perpetrated brutal and continuous aggressions against Spain, it ill-behoved the Spanish people to requite their hostility by giving themselves as subjects to the French pretender. Nor were the Bourbons to be trusted as faithful defenders of the Catholic faith, their persecution of Protestants notwithstanding, as could be inferred both from their alliance with the Turk Sultan against the Christian peoples and from their having been either unwilling or unable to thwart the spread of impiety, Godlessness and *libertinage* in France.

In addition to that twofold series of arguments, there is a further allegation which directly bears on the present paper's concern and which deserves a special treatment. Can people decide who is the rightful king by accepting his rule? The Bourbons alleged that the Spaniards had welcomed the Duke of Anjou, thus endowing him with legitimacy even, counterfactually — according to their lights —, had he been an illegitimate aspirant. Leibniz argues that even if the Spanish people had consented to subject themselves to the French Duke, they would not have bestowed legitimacy upon him. Their duty was to be loyal to the rightful king, Archduke Charles. When there is a rightful claimant, no one is entitled to deprive him of what is his. Moreover, it is not by acclamation that peoples can genuinely express their will, but through representative institutions; however the French pretender had not convened the *Cortes* upon his accession to the Madrid throne. Nor could it be asserted that all Spanish peoples had welcomed Philip (as the

Catalonians in particular would confirm by their resolute resistance to their bitter end on 11 september 1714, when Barcelona is taken by the Bourbonian troops commanded by an Englishman, the Duke of Berwick, natural son of James II). Last, not least, such an argument about the right of peoples to decide who their ruler would be ill-became the French court, at a moment when in France any hint of much less than that was regarded as treason, subversion and sedition.

Does Leibniz endorse the people's right to choose their ruler? No clear answer can be supported by his writings on that matter. His considered view seems to be that, all those issues being matters of degree, no claim being entirely validated solely by entitlement allegations — due to the infinite regress we referred to hereinabove —, we are bound to fall back on a balance of reasons and grounds, each of them being granted a certain weight. Leibniz is no democrat. He seems to lean towards a Platonistic credo, to the effect that the really rightful ruler would be the wise, whose wisdom would evince a special divine gift and hence a special providence of sorts, which would make him *regem adeodatum*. Since it is only seldom that any such remarkable political talent arises, custom and law have to be cleaved to. All in all an Aristotelian balance of powers is often a good thing, but some sort of popular election is a good way of political appointment provided it is not unlawful. Again those are matters of degree. No crisp, clear-cut, definite demarcation line separates lawfulness from illegality. So in very many cases the popular consent is rightfully, legitimately called upon in order to settle political disputes.

Now, in such cases, is popular consent valid only in case proper procedures are observed? If we construe what Leibniz says about Sherlock's book with his pronouncements concerning the Spanish succession, what emerges is more or less this doctrine. Peoples are not to be blamed for their accepting an usurper when they erroneously believe him to be superior in strength or to be a rightful claimant. But despite his being accepted by the subjects, the usurper remains an usurper, who can be legitimately expelled or dethroned by the rightful claimant's followers. It is only when people choose their ruler by proper means — representative bodies in accordance with law and custom — that a further measure of legitimacy thereby accrues to the chosen person's set of entitlements; popular choice is as legitimate an entitlement as inheritance, and in case of conflict other criteria would have to be resorted to, once the respective degree of popular support and hereditary legitimacy had been canvassed and ascertained.

However those are mere guidelines, not stiff canons. There are no hard and fast lines sorting out proper from improper procedures, acclamation from genuine election, and so on. What is more, there are no hard and fast lines between political power and mere force. There is no abyssal disparity between pirates and sovereigns (a surprising declaration for Leibniz to make). When a man is compelled to take an oath of allegiance to a bandit, he owes the bandit some degree of obedience in so much, and for so long, as the latter provides him with some measure of security. Again no hard demarcation line between matters of convenience and matters of right. The contract is in operation even when it is only implicit or tacit. But then what about a similarly implicit covenant between the usurper and the subjects, as that which had been in some queer sort of way reached by the Castilians with Philip Duke of Anjou? Leibniz is committed to the view that it has a certain degree of validity and even of lawfulness, *rebus stantibus* (to put it Bismarckways). He refrains from claiming it in so many words — but then who can take fault with his silence, when he is writing propaganda papers on behalf of Charles III? What Leibniz steadfastly rejects is that such an improper sort of popular support — or even a less improper one for that matter — can endow the usurper with a degree of legitimacy higher than that provided by considerations pertaining to legitimate inheritance and political freedom and utility.